



## Ohio Administrative Code Rule 3745-104-05 Applicability.

Effective: August 5, 2021

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[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions reference in this rule, see paragraph (C) of rule 3745-104-01 of the Administrative Code titled "Referenced materials."]

(A) An owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process, as determined by rule 3745-104-02 of the Administrative Code, shall comply with the requirements of this rule no later than the latest of the following dates:

(1) June 21, 1999.

(2) Three years after the date on which a regulated substance is first listed under rule 3745-104-04 of the Administrative Code.

(3) The date on which a regulated substance is first present at the facility above a threshold quantity in a process.

(B) The owner or operator of a stationary source shall comply with the following:

(1) By March 14, 2018, the emergency response coordination activities in paragraph (C) of rule 3745-104-36 of the Administrative Code.

(2) Within three years of when the owner or operator determines that the stationary source is subject to the emergency response program requirements of rule 3745-104-37 of the Administrative Code, pursuant to paragraph (A) of rule 3745-104-36 of the Administrative Code, develop and implement an emergency response program in accordance with rule 3745-104-37 of the Administrative Code.

(3) By December 19, 2023, the emergency response provisions in paragraph (D) of rule 3745-104-37 of the Administrative Code.



(4) Within ninety days of any RMP reportable accident at the stationary source with known offsite impacts specified in paragraph (A) of rule 3745-104-16 of the Administrative Code, that occurs after March 15, 2021, the public meeting requirement of rule 3745-104-51 of the Administrative Code.

(5) By December 19, 2024, rules 3745-104-38 and 3745-104-41 to 3745-104-49 of the Administrative Code and report the following:

(a) A public meeting after an RMP reportable accident in paragraph (B)(21) of rule 3745-104-42 of the Administrative Code.

(b) Emergency response program information in paragraph (A)(1) of rule 3745-104-47 of the Administrative Code.

(c) Emergency response program information in paragraphs (A)(2) and (A)(3) of rule 3745-104-47 of the Administrative Code.

(d) Emergency response program and exercises information in paragraph (D) of rule 3745-104-37 of the Administrative Code; including dates of the most recent notification, field and tabletop exercises in the risk management plan, for exercises completed as required in paragraph (D) of rule 3745-104-37 of the Administrative Code at the time the risk management plan is either submitted in rule 3745-104-38 of the Administrative Code, or is updated in rule 3745-104-49 of the Administrative Code.

(C) Program one eligibility requirements. A covered process is eligible for program one requirements as provided in paragraph (B) of rule 3745-104-06 of the Administrative Code if it meets all of the following requirements:

(1) For the five years prior to the submission of an RMP, the process has not had an accidental release of a regulated substance where exposure to the substance, its reaction products, overpressure generated by an explosion involving the substance, or radiant heat generated by a fire involving the substance led to the following offsite:

(a) Death.



(b) Injury.

(c) Response or restoration activities for an exposure of an environmental receptor.

(2) The distance to a toxic or flammable endpoint for a worst-case release assessment conducted under rules 3745-104-08, 3745-104-09, and 3745-104-10 of the Administrative Code is less than the distance to any public receptor, as defined in paragraph (B)(33) of rule 3745-104-01 of the Administrative Code; and

(3) Emergency response procedures have been coordinated between the stationary source and local emergency planning and response organizations.

(D) Program two eligibility requirements. A covered process is subject to program two requirements if the process does not meet the eligibility requirements of either paragraph (B) or (D) of this rule. A program two process shall comply with rules 3745-104-17 to 3745-104-23 of the Administrative Code to meet the prevention program requirements.

(E) Program three eligibility requirements. A covered process is subject to program three if the process does not meet the requirements of paragraph (B) of this rule, and if either of the following conditions is met:

(1) The process is in NAICS code 32211, 32411, 32511, 325181, 325188, 325192, 325199, 325211, 325311, or 32532; or

(2) The process is subject to the OSHA Process Safety Management Standard, 29 CFR 1910.119 as adopted by reference in rule 4167-3-01 of the Administrative Code.

Processes classified as program three as defined by paragraphs (D)(1) and (D)(2) of this rule shall comply with rules 3745-104-24 to 3745-104-35 of the Administrative Code to meet the prevention program requirements.

(F) If at any time a covered process no longer meets the eligibility criteria of its program level, the



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owner or operator shall comply with the requirements of the new program level that applies to the process and update the RMP as provided in rule 3745-104-49 of the Administrative Code.